IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 19979 of 2004

Between:

Tagarapu Satyanarayana, S/o. Pedda Lingam,
R/o. Kothur Village, Laxettipet Mandal, Adilabad District.

..... PETITIONER

AND

1 Minister for Panchayat Raj, Government of Andhra Pradesh,
Rep. by its Principal Secretary, Panchayat Raj and Rural Development (PTS-II) Department at Secretariat Building at Hyderabad.
2 The District Collector (Panchayat Wing), Adilabad District at Adilabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the impugned proceedings of the 1st and 2nd respondents vide G.O.Rt.No.1120 dated 02-08-2004 and Proc.No.539/K4.Pts/03 dated 25-08-2004 respectively in respect of Petitioner, Kothur Gram Panchayat at Laxettipet Mandal, Adilabad District, as illegal.

Counsel for the Petitioner:MR.B.SAI RAM GOUD

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and also the Assistant Government Pleader appearing for the first respondent.

The petitioner, who was elected for the post of Sarpanch to the Kothur Gram Panchayat, which was reserved for Scheduled Caste candidates, was served with a show cause notice dated
14-05-2003 stating that why necessary action should not be taken against him on the ground that he had drawn an amount of Rs.88,307/- under JGSY and adjusted Rs.55,534/- leaving a balance of Rs.33,373/-. Apart from the same, an amount of Rs.4,000/- received towards auction of fishery kunta had not been remitted to the Gram Panchayat account, to which, he submitted his explanation on 10-06-2003 denying the allegations made against him. Thereafter, he was placed under suspension by the second respondent-District Collector (Panchayat Wing), Adilabad District, through his proceedings dated 15-09-2003. Questioning the same, he filed a revision before the first respondent, who initially granted stay on 02-12-2003, vacated the stay earlier granted to him based upon the report submitted by the second respondent and accordingly, dismissed the revision vide G.O.Rt.No.1120, dated 02-08-2004. Questioning the same, the present writ petition is filed.

This Court in **THE NARAYANAVALASA GRAM PANCHAYAT, NARASANNAPETA TALUK, SRIKAKULAM DISTRICT v. THE GOVERNMENT OF ANDHRA PRADESH, PANCHAYATRAJ DEPARTMENT, HYDERABAD** categorically held that once the Government entertained the revision and if it

decides the same only after calling for the records, no infirmity can be discernible but when a report is called for by the Government in pending appeal/revision and based on such report, vacating the stay granted earlier, amounts to violation of principles of natural justice and the same cannot be sustainable.

In view of the same, the impugned order passed by the first respondent vacating the stay and dismissing the revision/appeal on the report sent by the second respondent is in violation of principles of natural justice. Therefore, the impugned order is liable to be set aside.

In view of the above, the impugned order is set aside and the matter is remitted back to the first respondent for fresh disposal. However, it is open for the first respondent to proceed with the matter after supplying the report to the petitioner and after considering further objections if any, made by the petitioner on the said report.

The writ petition is accordingly allowed. No costs.

11th NOVEMBER, 2004.

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To

1 The Principal Secretary, Minister for Panchayat Raj, Government of Andhra Pradesh, Panchayat Raj and Rural Development (PTS-II) Department at Secretariat Building at Hyderabad.
2 The District Collector (Panchayat Wing), Adilabad District at Adilabad.

3 Two CCs to the Government Pleader for Panchayat Raj and Rural Development, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.